

DEPARTMENT OF DEFENSE BLOGGERS ROUNDTABLE WITH ALAN LIOTTA,  
PRINCIPAL

DIRECTOR FOR THE OFFICE OF DETAINEE AFFAIRS (VIA  
TELECONFERENCE)

TOPIC: DETAINEE AFFAIRS AND GUANTANAMO BAY

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JACK HOLT (director, DOD Press Office): Well, I suppose since we're on-line here, we can probably just go ahead and get started, sir. We can get in this conversation.

I'm Jack Holt, Department of Defense, OSD Bloggers Roundtable, and welcome to the Bloggers Roundtable, Mr. Liotta, principal director for the Office of Detainee Affairs. Glad you could join us this morning.

MR. LIOTTA: Very good. Glad to be here. Thanks, everybody, for joining in, and we'll get the other guys as they come in along the line, I understand.

My effort, I think, would be to try to keep the focus more on your questions and answers, but I thought over the events of the last couple weeks, that it was probably a good opportunity to get folks together and talk through a little bit of where we are and where we see ourselves heading and answer any questions that you all might have that direct along those lines. But I can cover -- (audio break) -- for you for our detention activities in Guantanamo, Iraq and Afghanistan.

MR. HOLT: Okay. Very good, sir. Thank you.

We just had a couple folks who beeped in here. Who just joined us?

Q Michael for The Weekly Standard.

MR. HOLT: Okay, Mike. Welcome aboard.

And who else? (No audible response.) Okay. All right, Michael, thank you very much.

We still have a few folks that may join us on-line here, so -- but as we get started, Andrew, why don't we start with you. You were first on-line.

Q I appreciate it.

Mr. Liotta, thank you for taking the time. The questions that Jack Holt sent you the other day or yesterday came from me. So what I'd like to do is throw one of the easy ones because guys -- Grim (sp), you and everybody else don't have a copy of these. Could you describe for us the difference between a POW and an enemy combatant?

And one of my questions referred to the difference between, say, a Sheikh Khalid Mohammed, who's an obvious -- you know, obvious terrorist, you know, planned -- helped plan 9/11 and all, and some poor schmuck in Afghanistan who's part of the -- may be part of the ANA, you know, not wearing a uniform, not carrying ID card, but fights in defense of his village, and we picked him up.

How do -- you know, can you kind of describe who's who and what the differences are?

MR. LIOTTA: Sure. And the differences actually stem from the Geneva Conventions. POWs are lawful enemy combatants that are serving at the direction of a state, a nation-state, a signatory to the Geneva Conventions, and they operate under and consistent with the laws of war. And that is -- so they have recognized command structure. They wear uniforms with proper insignia on the battlefield. They do not target civilians. They try to limit collateral casualties and damages. They focus their efforts and their attacks against the warfighting machine of the enemy, solely for that purpose.

Q Right.

MR. LIOTTA: And their purpose is to win a conflict at the behest of their nation-state that they're fighting for.

And the key objective in a POW is when you capture a lawful enemy combatant and hold them as a prisoner of war, you are entitled, under the laws of war, to hold that individual until the end of the conflict. And the reason for that is because you're trying to diminish the enemy's capacity to fight, and so the more you can hold their enemy -- their fighters off the battlefield, then the advantage that gives you to bring the war to an earlier conclusion.

Q (Inaudible.)

MR. LIOTTA: Unlawful enemy combatants are those that are a couple things. They either don't belong to a nation-state that's a signatory to the Geneva Conventions, or they're not fighting in conformance with the laws of war, because they don't abide by it or they deliberately violate it.

Q Right.

MR. LIOTTA: The president determined, after the 9/11 attacks and as we were beginning Operation Enduring Freedom, that al Qaeda was not a(n) organized nation-state, it did not -- was not a signatory to the Geneva Conventions, and that all of the individuals associated with al Qaeda who were mounting terrorist attacks were not entitled to POW status for those reasons.

Q Okay. Okay. Can I interject with a question, then? Then if you have a guy who -- I understand the part about not being a member of the Geneva -- a country not being a member of the Geneva Convention. But a guy who's not fighting according to the terms of the Geneva Convention -- wouldn't that make him a war criminal versus a(n) unlawful enemy combatant? I'm not trying to split hairs. I'm not the lawyer. I don't understand the difference.

MR. LIOTTA: Yeah, I'm not a lawyer either, so I'm looking at this from a policy perspective on that.

Q Okay.

MR. LIOTTA: But it's -- "not necessarily" is the answer to that, because it would depend on what they're doing and how they do it. I mean, if he's a foot soldier and he's a straight trigger-puller, then -- and depends on the acts he engaged in -- he may or may not have committed war crimes. If he's, you know, mass-slaughtering civilians and others, even as a trigger-puller; if he goes into a village and wipes out an entire village, then he might. And so it would depend on the actions that --

Q Sure. Yeah, the SS at Malmedy versus the German soldier. Understood.

MR. LIOTTA: Right.

Q Okay.

MR. LIOTTA: Now, the other part I was going to add, if I can just finish what I was -- before, on the president's determination in 2002 -- the Taliban, which was in control in Afghanistan at that time, was determined also not to be a lawful enemy combatant, because the Taliban deliberately flaunted (sic/flouted) the laws of war.

Taliban soldiers did not have a recognized hierarchy; they did not follow the laws of war. They targeted civilian populations; they hid among civilian populations. And for a whole host of reasons, they were determined also, although the country of Afghanistan was a signatory to the Geneva Conventions, the Taliban as a government was determined not to be practicing that in conformance with the law. So they were also held outside of that, which is why the people who were then seized on the battlefield in Afghanistan were brought to Guantanamo and determined to be unlawful enemy combatants, because of the president's order, which dictated these two groups fell outside of the realm of Geneva and therefore did not qualify under Geneva for treatment as POWs.

That said, the president also issued an order which Secretary Rumsfeld then followed up with an order, as did the chairman of the Joint Chiefs, telling all U.S. forces that they would treat these individuals consistent with the spirit of Geneva Convention, so long as military necessity allowed it. And what that meant was simply that we would make sure that they were properly sheltered, that they were properly clothed, that they were properly fed. The things that were true to our ethos and values -- we would make sure that we held them in the spirit of it. But we weren't doing that as strict POWs, because we did not want to reward them for violating the laws of war and flaunting the laws of war in maintaining their attacks.

Q Okay, so a lawful enemy combatant is basically a POW and an unlawful enemy combatant is Taliban, al Qaeda or a similar guerrilla- type force then.

MR. LIOTTA: Under current definitions, that's --

Q Under -- yes, okay, thank you.

MR. LIOTTA: Just an important, and again, I don't want these hair-splitting differences, but under Geneva, you know, an unlawful enemy combatant was in fact often -- it was really, I think, when the Geneva Conventions were written, were defined more to be insurgent- type activities and illegal insurgents and not a proper warfighting state. And that's why there's a Geneva Conventions Common Article Three that pertains to these types of individuals and defines an unlawful enemy combatant, is that this group, al Qaeda and terrorists in general, al Qaeda affiliates, sort of fall outside of that realm. And so the unlawful enemy combatant was the closest thing that could be applied to them to define them as a group.

Q Okay.

MR. HOLT: Okay, Graham.

Q Good morning.

I'd like to ask a question about the presidential order, Secretary Rumsfeld's order, to treat these unlawful combatants in the spirit of the Geneva Conventions. Can you talk a little more about that? Because it's my understanding that the Geneva Conventions already has a prescription for dealing with people like this, and it's that they are not then granted the protections of POWs.

So it seems like such an order would actually be in violation of the spirit of the Geneva Convention.

MR. LIOTTA: Well, what the president was getting at and what Secretary Rumsfeld was getting at is that, you know, the Geneva Conventions required that for POWs, they are entitled to certain treatment standards. For example, you can make they work. You give them jobs, and then you have to pay them for those jobs as POWs. You have to give them scientific and musical instruments. You have to have a commissary where they can buy basic necessities -- soap, shampoo, candy bars, cigarettes, things like that. In fact, the Geneva Conventions require that you give them cigarettes. So there's a whole range of things that the Geneva Conventions require that you give to POWs.

What this order was saying is that we're not going to do all of those kinds of things. We're obviously not going to give scientific instruments to guys how are IED makers. We're not going to give musical instruments to guys who are going to use them as weapons against each other and the guards. So we did not -- and because these guys were not POWs, we weren't obligated to give them those things. So the intent was we wanted to treat them in the spirit of Geneva, which was humane treatment in how we cared and housed them and held them and the things that we gave them -- reading materials, books, the Koran -- allowed them to practice their religion, proper food, proper

clothing for the environment, proper shelter for the environment, those kinds of things, those basics, to be sure they had those things. But we were not --- because these were not POWs, we were not going to conform exactly with Geneva to give them all the things that a POW would normally be entitled to.

Q Very well. Thank you.

MR. HOLT: Okay. Mike Goldfarb.

Q Hi. How you doing, sir?

MR. LIOTTA: Good morning.

Q I was hoping you could just tell me a little bit about -- forgive me, I missed your opening statement there, but if you could speak to sort of what Guantanamo offers that other facilities wouldn't offer; why it is that we need to have these guys there.

MR. LIOTTA: Well, can you tell me what you mean by other facilities, what you have in mind, just so I can help clarify that?

Q I don't know. You would probably be more familiar than I would be with what the alternative facilities are that -- you know, where they would go if we closed Guantanamo. So my question would really just be why do we need to keep them at Guantanamo if they cause us such a headache. You know, what is the real -- what does that do for us?

MR. LIOTTA: Okay. That's fine. There are a couple of things that I would like to emphasize on this point. First is -- and I'll approach it from where you just rephrased your question as, is that, you know, why can't we just close Guantanamo and move these guys someplace else. And there's several reasons for that.

The first is, I mean, if we were to bring them into the United States, we would have to put them in one of two places, either in a U.S. military prison, like Leavenworth or Charleston, or in a U.S. federal penitentiary. And there are key differences. One is, under Geneva one of the requirements is that any combatants can't be housed with common criminals, so that you can't -- (audio break) -- and convicted in the same place or under the same conditions as you would put an enemy combatant.

And so that's one of the things that we look at, is if you're going to house them in some places like a penitentiary or in a federal military facility, you're going to have to house them differently. You're going to have to block off a whole wing of the facility to try to put them in there.

The other part of it that's a very important part from our perspective and from Homeland Security's perspective is the security issue. Sure, we have very dangerous criminals and top, you know, mafia people and things like that and cartel people and gang

leaders in our penitentiary system. But we know for a fact that al Qaeda would like nothing more than to break some of their brethren out of facilities where they're being held by the United States or our allies in Iraq, for that matter. And we know for a fact that they've had plans drawn up to do that. We also know that Guantanamo, in its isolation, is a huge deterrent against them being able to do that and being able to attack there.

You put that facility in the middle of an American community -- in Kansas, or Charleston, South Carolina, or at some -- or at one of our federal penitentiaries -- and you're going to have a huge burden put upon the local community in terms of what the first responders are going to have to be geared up for and where your securities are. And one of the things that people have put out there is why not just put them all in Alcatraz? Besides the fact that we closed Alcatraz for a reason in the '60s because of humane treatment issues -- inhumane conditions there, the fact is that if we had these detainees in Alcatraz, the -- just think of the optics from a terrorist point of view of a TV camera on top of Nob Hill looking down into the San Francisco Bay with a threat that they are holding people hostage in San Francisco or a dirty bomb and hostage, and they want the release of their brethren versus saying they're going to try and hold Miami hostage, but you have no camera shot of Guantanamo, it's a hundred miles away -- it's just not the same optics in trying to do that.

And so the security threat of bringing them into the U.S. is a very real threat that has to be considered, that's far different and I would say far more dangerous than what you would have from any kind of prisoner that we have right now in the U.S. system, either federal or military.

And the second part of that is the legal side of it and what happens to them when they come in here. And the Department of Justice is the experts there, so I won't try to trample all over their -- the work that they're doing on that. But the issues that they point out is that detainees that come to the United States could have the full panoply of U.S. constitutional protections, which means you'd have to have a judicial hearing on them in a certain amount of time.

If you couldn't have that judicial hearing in a certain amount of time, they could be released. And when they went to be released, as it is, we can't return many of these people to their home countries as it is, either because the home countries won't take them back or because in some instances the home country is such a place that we know they'll get tortured if they go back, and so under our international treaties and obligations, we can't return them, so the result would be they'd be left free here in the United States.

And while everybody, I think, is very cautious about saying that's not our intent, that's not what we would want to do, that is, from what the lawyers are telling us, a very real possibility of what could happen. And it's one of those ripple effects that everybody thinks won't happen, but what happens if we're faced with the fact that it is going to happen? And so for those very reasons, there's still a lot of work that needs to be done to look at whether or not we could actually bring people into the United States.

Q Okay. Well, if I could just follow up here for a second. So first off, you're telling me basically the legal thing is not really your -- you're not operating on that issue, particularly.

MR. LIOTTA: Well, I mean what I'm saying is Department of Justice has lead for that within the USG. They're focused very heavily on the implications -- the legal implications that would be involved.

Q And you're more focused on the security implications.

MR. LIOTTA: There are very serious legal implications. As Department of Defense, I'm a policy guy. Our focus is, you know, who are these guys, the threat they pose, and what would that threat be upon the United States if we brought them here into the United States.

Q Now, look, I don't mean to -- with all due respect, but I find it hard to believe that we really feel like we can't secure these prisoners. Look, personally I have no problem with Guantanamo as it is, but as an argument, it seems to me a bit far-fetched that we don't think we could put them at Leavenworth or somewhere and speak confidently that we would have them secured. So you really believe that there is a security threat.

Q Or at Camp Lejeune or someplace.

MR. LIOTTA: Please understand, I didn't say we can't do that. I didn't say that the security threat prevents us from doing it. What I'm trying to emphasize is that I think we have to look seriously at that security threat and the implications of it, and the implications of inviting a terrorist attack on the soil of the United States to try to rescue some -- or break out some of their brethren. I'm not saying you can't mitigate that, but there's huge costs that are affected with that and there's cost not just by federal government, by local governments and first responders and a local community that's going to be subject to an attack as the result of an effort to try to break some of their guys out.

Q Can you speak at all to where you think it might -- where they would most likely end up if that were to happen?

MR. LIOTTA: Location-wise?

Q Yeah.

MR. LIOTTA: No. I mean, there's limited possibilities of places to be, but there's been no real serious look at where they might be able to go in terms of being able to house the number of people that would possibly have to be housed.



Q Okay. Thank you.

MR. HOLT: Okay, I think we had a couple of folks join us here just a few minutes ago. Who --

Q Hi, Jack. This is Charlie Quidnunc at the Whizbang Podcast.

MR. HOLT: Okay, Charlie. And why don't you -- have you got a question for Mr. Liotta?

Q Yes. My question is kind of a fundamental one, and it's one that I hear all the time. I don't necessarily subscribe to it. But the idea is, why don't we just put these guys in our criminal justice system? Oh, wait a minute, they haven't committed a crime, they've just been on the battlefield with weapons.

How do we distinguish, for people who seem more simple about this, the difference between a criminal and a combatant?

MR. LIOTTA: Well, I mean, you hit part of it right there, but the other part of it, I think, that people miss that's an important distinction is, you know, when these guys were secured on the battlefield, they were secured by military troops that brought them in. These military troops were in the middle of combat activities. These were not police detectives who had free access to a scene to collect all kinds of evidence to substantiate a prosecution in the same way that you would in any sort of criminal act and where the police would work in collaboration with the prosecutors to try and build a case against the individual.

The second thing is, when all these guys were detained, originally detained and held by military units, none of them were read Miranda rights, all of them said things under various circumstances, all of which, you know, probably implicated themselves.

It can be used in terms of intelligence information and help us to move to other targets and capture additional people and helps us understand the true nature of the threat of that individual -- none of which, however, would probably be able to be used in a judicial system or court system because any good defense attorney would right away object to it and want to -- and draw a distinction as to all the things being thrown out of court.

And so the reality is, is that the vast amount of evidence that you have simply would not be able to be used in a federal court, and as a result, all these guys would be going free, they'd be walking.

MR. HOLT: Okay. John Hendricker (sp), did you -- have you joined us? (No audible response.)

Okay, is there anyone else who has joined us late?

Q Jack, this is Robert Bluey.

MR. HOLT: Yes, sir.

Q Hi. Thank you for doing the call.

I want to follow up on Mike Goldfarb's question and ask specifically whether or not you think that it really matters where we put these prisoners, and by that, I mean it seems that critics would just shift their focus if you did close GTMO. After all, I mean, your detention operations wouldn't be conducted in a significantly different manner in a different location, would they?

MR. LIOTTA: No, no, you're absolutely right, and that's, I think, one of the key elements of the question that gets left out of this debate that's raising right now, which is, you know, it's not so much the objections over how we treat people, the care and treatment issues. I think we've largely crossed that bridge and shown people through demonstrable action and the transparency at Guantanamo that that's not an issue. What people are objecting to is the overall legal framework of how we're holding people and whether you're holding people with proper due process or not, and whether they should have access to the courts.

I mean, Guantanamo, fairly or unfairly -- I would argue unfairly -- but fairly or unfairly has a taint and an international taint to it, and people believe that by closing Guantanamo you could remove that taint. But I think a very real argument could be made that, as long as you're not changing the basic legal construct of how we're holding them and why we believe we're entitled to hold them, no matter where you put them you're still going to have that argument and you're still going to have that. And while the conditions of detention probably won't change at all from where they are now to where they might end up, the mere fact that you're holding them still again in the same construct, and that's what people object to, particularly Europeans, and that's what they object to.

Q Well, can I just jump in again here? Mike Goldfarb again.

MR. HOLT: Certainly.

Q I guess -- I think some of us are sort of wanting to hear that there is a reason that we're keeping them at Guantanamo, which is that we do have some extra latitude there that we might not have in the United States. And if that reason doesn't exist, well, then why deal with this taint, as you say? I mean, sure, it may follow it to wherever it goes, but I mean, if we have no advantage as far as interrogation techniques or so on and so forth with keeping them at Guantanamo, what is the reason for this place to exist, outside of the security that you've discussed?

MR. LIOTTA: No, thanks, Mike, and that's an excellent distinction. I mean, keep in mind, Guantanamo is, A, a detention center, and, B, a strategic interrogation center, a strategic intelligence collection center, and we routinely are interrogating individuals there who are providing us actionable intelligence not only in the war in Afghanistan but also in the war in Iraq. And --

Q Would that be limited by moving them to the States?

MR. LIOTTA: It very well could be, because in moving them to the States, they would be subject to greater legal claims, and in a legal environment, we would not be able to question or interrogate them at all or in the same ways. And that's one of the questions that's open; it hasn't been ruled on yet. It would be the subject of a lot of litigation, and I'm sure while the litigation's going on, there would be stays put in by the court that would limit our ability to do that, so the end result would be, yes, we would lose an ability to gain critical information from these individuals who are assisting us right now in the war on terror.

Q If I could follow up on that, then, please. Andrew Lubin again, Mr. Liotta, from ON Point. From what I understand, then, is that we can -- and I'm using terms as carefully as I can -- we can interrogate them differently because it's not on U.S. soil. We can treat them differently because it's not on U.S. soil. But because -- and it's on Cuban sovereign territory -- but it's an American base. If a Marine down there does something stupid, he gets NJP'd or court-martialed. If you have an embassy overseas -- in the middle of Moscow is Russian territory, but that building is American soil. So how is it actually different than from being on American soil?

MR. LIOTTA: Yeah, well, I would draw a pretty big difference from your question, if I could.

Q Please. Yeah, please. I'm not -- you know, that's why I'm --

MR. LIOTTA: And that is -- I mean, the techniques that we use would be the same in the sense that we, all DOD interrogators, follow the Army Field Manuals and the DOD Directive for Interrogations, most of which are on our website and easily accessible, so you can look at what those requirements are. So the DOD interrogators have to follow those guidelines, no matter where they are. If they're in the United States, if they're overseas or if they're in a place like Guantanamo, they're going to follow those standards.

The question is the accessibility to the individual, and in the United States, that accessibility would probably be much more limited than what it is to what we have right now in Guantanamo; that is, the actual ability to even to be able to ask him questions in an interrogation format. Even an improved interrogation format that conforms with the Army Field Manual would be much more limited -- and again, I don't want to say this as a definitive statement, because again, I think this is one of the things that would end up litigated out because we never crossed this bridge before -- but I think that the great fear

is is that we would be severely limited in our ability to just do our standard interrogation techniques and what they are.

But please don't misunderstand. There is not greater latitude about the techniques themselves because you're in Guantanamo. The techniques are the same.

Q So it's just the access is the question.

MR. LIOTTA: Correct.

Q Well, then could you address my question about being U.S. soil/de facto U.S. soil? I mean, if a Marine down here does something stupid, he gets NJP'd or court-martialed because he's under control of the American government. If you're in an embassy overseas, you're on foreign territory in our -- but in our building. Therefore, it's our building. Why is -- why aren't they subject to American law, even though they're -- because they're on -- they're not in Cuba. They're on -- at our base at Guantanamo Bay.

MR. LIOTTA: Well, a military member, regardless of where they are, whether they're in an embassy or Guantanamo or on the battlefield of Afghanistan, that's not American territory. It's Afghan sovereign territory.

If a U.S. military member violates the law, violates the military code of justice, and violates the rules that are established for how we interrogate and how we detain and hold people, then that military member is going to be brought up under charges and investigated and prosecuted accordingly.

Q Okay.

MR. HOLT: Okay.

Anyone else?

Q This is Grim from Blackfive. I have one last follow-up question. What final disposition do you envision for these detainees?

MR. LIOTTA: Grim, thanks for that question. I think -- I like to say that we see the detainees really in three major buckets for Guantanamo. The first group of detainees is a group of detainees that we know are going to face military commissions and are going to be brought to trial in their commissions process. And the prosecutors tell us that that number is about 75 to 80 -- could be a little bit higher, could be a little lower, but they use the number roughly about 75 to 80. And keep in mind we're talking roughly about 375 detainees at Guantanamo right now. So you have -- 75 to 80 are going to fall within that group.

Then there's a group that are going to be eligible to be transferred back to their home countries, and the home country has agreed to mitigate the threat. And the reality

is -- I mean, we've now transferred back to home countries, under these types of scenarios, more than 50 percent of the detainees that we've brought to Guantanamo, total. So we've sent more than 380 back already, and we're in continuous negotiations with countries to accept responsibilities for their nationals.

Some of the countries are willing to do that. Some of the countries are willing to take the measures that we see as necessary to mitigate the threat of the detainees when they return back. Some of them are not. And some of the countries are willing to do it, but we have concerns about humane treatment issues. The State Department has concerns about humane treatment issues, and so it prevents us from sending them back.

In some cases, we have no problems, everybody's agreed to send them back, and the courts are preventing us to send those guys back.

But I think that -- that's the largest group, and if we could get past a lot of those kinds of hurdles, we could probably send back in excess of about 120, 150 or so of the detainees there at Guantanamo -- probably would be eligible and be able to go back. We already have more than 75 right now who have already been approved for transfer but we've not been able to send back to their home country, for a variety of reasons. And I think we could -- we can get another 75 or so pretty easily beyond that.

And then the third group of detainees is that group of detainees who are not going to be brought before military commissions for any one of a number of reasons and who we do not feel secure enough in sending back to their home country, because we just don't believe they can adequately mitigate the threat of the detainee. That is, they are just one of those guys that's just too dangerous to take the chance that if we give him back to another country, they'll let that guy go. And so those guys are the ones that I think we have to look at as being held on the long -- over the long term.

So when people talk about, you know, you're going to have all these people for -- you know, in perpetuity, A, my argument is always, it's not in perpetuity -- and I can talk later, if you want, about, you know, what do I mean -- how long are we going to hold them, and what does the duration of the conflict really mean -- but B, it's a group of people that we have to seriously hold out of the battlefield, and we are probably the only people that can adequately mitigate the threat of these very dangerous individuals. And that's probably a very small group, probably around 50 or so.

Q Why don't they get access to military trials, to the military commissions?

MR. LIOTTA: Because, as I said earlier, I mean, there's real issues about the evidence that you have, how you can use that evidence against them, how the evidence was collected, the ability for them to be able to withstand a successful trial. I mean, the -- if you put them forward with the kinds of evidence that we used, from an intelligence perspective, to be able to tell us about the individual, but introduced that into a military tribunal process, which is a judicial process, when they go in there, I mean, it would right away be brought out that intelligence information is not evidence that can be used in a

court of law, necessarily, because of the way it was collected or how it was housed, chain of custody -- you know, the guy's got seven different kinds of passports, and he's got a watch that's used to set off IEDs.

But a good defense attorney will take issue with the chain of custody and how it was held and where it came forward. And again, this evidence was not collected using police procedures; it was collected using battlefield procedures. And so all of that makes it -- the prosecutors believe they could not successfully prosecute this case, even in a military tribunal.

Q So a Khalid Sheikh Mohammed, for example, would be in the third category, not the first category, probably.

MR. LIOTTA: No, Khalid Sheikh Mohammed would be in the first category. He will be prosecuted, and that's why the president brought him and the other 13 HVDs to Guantanamo, because they believe that all of those 14 individuals could be successfully prosecuted in a military tribunal process. And the intent is that we indeed will have a trial for him.

Q Mr. Liotta, I have a question.

Last Thursday there was a rumor going around that the press jumped all over that we were going to close Guantanamo. Do you know what the source of that was and why they got so excited about that? It's since been denied by everybody, but --

MR. LIOTTA: Yeah, I don't know what the source of that was. I mean, I saw the -- I got called as soon as the AP thing hit the wire. And people started calling and, I mean, the White House immediately put out a statement that I think very accurately put out where the state of play was right now, and that sort of ended the story. The story, you know, got a lot of legs and went in a lot of different directions, because I think it was, you know, immensely appealing to a lot of people that were wanting to see Guantanamo go away. But that's not -- the White House statement clearly laid out, you know, that that's not the imminent plan.

MR. HOLT: Mr. Liotta, thank you very much for joining us. It's been a very fruitful conversation here, I believe.

(Cross talk.)

MR. LIOTTA: My pleasure -- thank you, guys.

MR. HOLT: All right, thank you sir. Hopefully you can join us again.

MR. LIOTTA: Very good, be glad to do it.

Q Thanks, Jack.

MR. HOLT: Thank you.

Q All right.

MR. HOLT: Bye.

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